



## **FULL BOARD MEETING MINUTES**

**April 12-13, 2007**

Kensington Park Hotel  
450 Post Street  
"Sherwood Room"  
San Francisco, CA  
(415) 351-4148

### **Board Members Present**

Lisa O'Connor, M.A., Chairperson  
Naomi Smith, Au.D.  
Rebecca Binge, M.A.  
Jennifer Hancock, M.A.  
Alison Grimes, Au.D.  
Carol Murphy, M.A.  
Paul Donald, M.D.

### **Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Lori Pinson, Staff Analyst  
Beth Scott, Senior Staff Analyst  
George Ritter, Legal Counsel

### **Board Members Absent**

Diana Verdugo, M.S.

### **Guests Present**

Jody Winzelberg, Legislative Liaison California Academy of Audiology  
Robert Powell, California Speech-Language-Hearing Association  
Dennis Van Vliet, Audiologist, American Academy of Audiology  
Marcia Raggio, Audiologist, Audiology Program Director San Francisco State University

## **4:00 p.m. Speech-Language Pathology & Audiology Full Board Meeting**

### **I. Call to Order**

Chairperson O'Connor called the meeting to order at 4:17 p.m.

### **II. Introductions**

Those present introduced themselves.

### **III. Approval of meeting minutes for January 26, 2007 committee meetings and full Board meeting**

The Board discussed minor grammatical edits to the minutes.

#### **M/S/C: Grimes/Bingea**

The Board approved the meeting minutes for the January 26, 2007, Audiology Practice Committee, and Full Board meetings as amended.

### **IV. Chairperson's Report (Lisa O'Connor)**

#### **A. The California Speech-Language-Hearing Association's Convention, March 8-12, 2007, Long Beach.**

#### **B. The meeting of the Council on Academic Programs in Communicative Sciences and Disorders, March 8, 2007 California State University, Long Beach**

Chairperson O'Connor provided a summary of the written Chair's report as included in the meeting packets. She briefly reviewed the topics as follows:

- An update on the communications with the Holy Names Educational Therapy program regarding the program curriculum which, based on review of the course outlines, appeared to the Board to be training individuals to assess and remediate language disorders. Chairperson O'Connor reported that the Holy Names sent a response to the Board's October, 2006 letter of concern, which outlined several steps the Holy Names program directors were taking in response to the Board's concerns:
  1. Reviewed specific test instruments included in their language disorders class to determine the appropriate jurisdiction of personnel to administer such tests.
  2. Reviewed the entire course sequence to assure that the course sequence appropriately includes normal language development and accompanying theories of first language acquisition for both mild/moderate language specialists and Ed Therapist candidates.
  3. Added a statement to the syllabus for EDU 262 that states "the assessment and treatment of language disorders requires a state license as a speech language pathologist or a credential from CTC. Practice without such a license is a violation of law and can result in the issuance of a citation and fine or other appropriate sanction."
  4. Renaming the course "Strategies for Students with Language Disorders," to "Strategies for Students with Language Based Learning Disorders" to better reflect its more general scope.

The Board sent a reply letter on January 8, 2007, expressing concern about an Educational Therapist assessing children for a particular disability. A second concern was raised about adding information on normal language acquisition, possibly indicating to the students that they are qualified to diagnose or assess language disorders. After receiving that letter, Holy Names proposed a conference call to discuss the further concerns. On March 12<sup>th</sup>, Annemarie Del Mugnaio, Lisa O'Connor, Zaida McCall-Perez (Chair, Department of Education at Holy Names), along with two of her faculty members, held a one hour call to further discuss areas of concern. As a result of that call, Dr. McCall-Perez agreed to send a letter confirming the following:

1. Program faculty will reiterate the scope of practice for licensed SLPs and will stress the importance of practicing within the Educational Therapy scope.

2. Program faculty will stress the importance of assessment and intervention in the team model, noting that if an individual is suspected of having a language disorder, a referral to an SLP should be made. They will also convey that, when language tests are used by an Educational Therapist, the results obtained should be interpreted with caution, especially when the results obtained might indicate problems with auditory processing. The complexity of this disorder will also be discussed, as well as the need for an audiologist to be involved in the assessment process.
- California chapter of Council of Academic Programs in Communication Sciences and Disorders (CAPCSD) Meeting – March 8, 2007: Chairperson O'Connor reported that she and Ms. Del Mugnaio attended the spring meeting of the CAPCSD. The issue of a "universal license" was discussed, and there seemed to be a consensus that university training programs would welcome this change. The transition to one license and oversight authority would save hours of preparation for review of training programs by the Commission on Teacher Credentialing (CTC), and eliminate the varied requirements for receiving a credential vs. licensure vs. national certification. It would also allow training programs to choose electives that students would take in the education departments, rather than mandating specific courses dependent upon the type of credential/license sought. It was mentioned that including coursework relevant to the role of the SLP in the public schools was important (e.g., courses related to literacy), as was retaining graduate internships in the public schools. Chairperson O'Connor reported that the other main topic of discussion was bachelor degree holders qualifying for registration as speech-language pathology assistants (SLPAs) in the state. She stated that many programs are interested in facilitating a pathway for bachelor degree holders to obtain the necessary clinical hours in order to qualify for registration and that the graduate training program directors inquired about appropriate externship sites and supervision requirements for the clinical settings. Ms. Del Mugnaio also shared information regarding the new SLPA resource packets and offered to forward a packet to each of the training programs.
  - Chairperson O'Connor reported her attendance at the American Speech-Language-Hearing Association's (ASHA) Spring Legislative Council Meeting held March 22 – 25, 2007. She stated that the following topics were discussed:
    - ✓ New changes in the ASHA governance structure
    - ✓ Focused Initiatives-Reimbursement of Services, Ph.D. Shortages in Higher Education, Evidence-Based Practice.
    - ✓ Grassroots Advocacy
    - ✓ Meetings with Key Legislators to discuss Direct Access to Audiologists, Early Hearing Detection and Intervention, Individual with Disabilities and Education Act Funding, Loan Forgiveness Programs for SLPs in High Need Schools, and SLP Medicare Outpatient Supplier Status
    - ✓ Accreditation of New Training Programs with concerns regarding the ASHA Council for Academic Accreditation's (CAA) imposed moratorium on accrediting new training programs in SLP or AU until January, 2008. The Vice President of Academic Affairs, Liz McCrea, advised that this moratorium was necessary in order for CAA to develop new procedures for the accreditation of programs and train the site visitors. Chairperson O'Connor stated that she and Barbara Moore-Brown expressed extreme concern about this decision due to the critical shortages of personnel here in California, as well as the delay this would cause for the two new AuD joint doctoral programs that are hoping to admit students by the fall of 2008. Ms. O'Connor reported that she sent two emails to the Chair of CAA, Mary Anne Hanner, on March 27, and again on April 3, 2007, inquiring about the temporary halt in accreditation and whether any exceptions to the moratorium may be considered in light of California's limited training

program situation and exacerbated professional shortage problems. Ms. O'Connor reported that she received a detailed response from Ms. Hanner on April 9, 2007, in which Ms. Hanner noted that CAA has agreed to modify the imposed moratorium to assist California. Ms. Hanner wrote in her email *that CAA has approved a new policy that requires applicant programs to agree to not enroll students into the graduate program seeking candidacy until such time that candidacy status has been awarded. In an acknowledgement of the concerns raised by programs in California, the CAA has agreed to modify the moratorium. The CAA expects to have the new candidacy manual and application materials available in early fall. As soon as those materials are available, programs planning to submit a candidacy application can develop their application in the context of the 2008 standards, using the new developed candidacy model, and may submit the application for consideration by the CAA prior to January 1, 2008. The CAA has consistently communicated that institutions interested in developing a candidacy application should expect the process to take 18 months before candidacy is awarded. Programs planning to admit students for Fall 2008 should have initiated the candidacy process in January 2007. The new candidacy model requires a site visit to occur after the application has been received and reviewed. Following the site visit, the CAA makes the candidacy decision. The process from receipt of the application to the candidacy decision is expected to take 12-15 months. The new model is designed to facilitate the success of developing programs and to move them through the candidacy process as efficiently as possible. The CAA believes that it is critical that programs seeking candidacy have appropriate application materials and support resources available to them as the process begins. The CAA does not think it is in the best interest of the program or the reviewers to require programs seeking candidacy to initiate their application under the 1999 standards and, four months later, require them to respond to the 2008 standards. The CAA is well aware of the personnel shortages throughout the country and fully supports the development of new academic programs. In the new candidacy process, the CAA has been thoughtful about the consistency of its expectations for program development with institutional requirements, typical schedules for compliance with standards, and types of requested documentation to support a program's application. The CAA and the CAA staff will be available to assist developing programs as they begin the candidacy process and as they progress through the process. As to the concerns related to state and regional approvals, CAA did not make any changes related to program approval by the institution, the state, or regional accreditors. The CAA policy requiring appropriate approvals has been in place for some time. The policy can be found in the candidacy manual and states: All programs must have been granted authorization through the governance processes of the parent institution and the appropriate state authority to offer the graduate degree program(s) for which candidacy is sought. Evidence that these approvals have been received should be provided with the application materials.*

The Board discussed, at length, the imposed CAA moratorium and inquired about the accreditation requirement for certifying "appropriate state authority to offer graduate degree program(s)" and whether such authority must be granted by the Board, the Legislature, the two state systems of higher education (University of California, California State University), or some other state institutional approval.

Ms. O'Connor agreed to send a separate email to Ms. Hanner requesting further clarification on the intended meaning of accreditation requirement.

- Chairperson O'Connor inquired about the status of the dissemination of the SLPA resource packet and inquired whether new information may be added to the packets before they are sent. She requested that the cover letter include information regarding the requirement that SLPAs must wear distinguishing name-tags while working, including their name and the title of SLPA in 18-point bold font. Ms. Del Mugnaio responded and indicated that the new information can be added to the cover letter prior to being sent. She stated that the resource packets should be mailed within the next few weeks. Ms. O'Connor also inquired about the status of notifying registered SLPAs of the requirement to register the name and license number of their current supervisor with the Board upon any change in supervisor responsibility. Ms. Del Mugnaio stated that she and Ms. Pinson will work on changing the standard SLPA renewal forms to include this important reminder.

## **V. Executive Officer's Report (Annemarie Del Mugnaio)**

Ms. Del Mugnaio provided a brief summary of the written Executive Officer's Report as included in the meeting packets.

### **A. Department of Consumer Affairs Internal Audit Process**

Ms. Del Mugnaio reported that all Board program areas have been reviewed by the Department audit staff and staff interviews have been completed. She stated that the draft audit report for the Board, as prepared by the Department auditors, should be forthcoming by the end of April, 2007, and that the Board staff has approximately two weeks to prepare its response to the draft report. Shortly thereafter, a final audit report will be submitted to the Director of the Department, and the final report will include the Board's response.

### **B. Budget Update- Distribute New Projection**

Ms. Del Mugnaio provided a budget expenditures report through the end of February, 2007. She reported that the projected expenditures through the end of fiscal year 2007/08 should not exceed the budget appropriation. However, staff must continue to closely monitor the enforcement budget which has already been fully expended and required supplementation from other operating resources in order to continue prosecuting active attorney general cases. Ms. Del Mugnaio reported that the enforcement budget has historically been insufficient and that, should this trend continue over the next fiscal year, the Board should consider requesting additional funding for its enforcement expenses through the Budget Change Proposal (BCP) process. Ms. Del Mugnaio stated that the Board is proceeding with a BCP to assume responsibility for its cashiering functions, which are currently processed by the Medical Board of California (MBC) under a shared service agreement, where the Board pays the MBC for cashiering services. Ms. Del Mugnaio reported that the auditors determined that the current cashiering procedures, that is, the transfer of monies from the Board to the MBC for cashiering, lack sufficient controls and were exposing the Board to unnecessary risks of unaccountable revenue or fraud. As such, the Board is preparing the BCP to eliminate the budget appropriation for the shared services agreement and instead apply the funding toward hiring temporary help, such as a student assistant. She noted that employing temporary staff will help offset the additional workload on permanent staff who will gain the new responsibilities of the in-house cashiering operations. Ms. Del Mugnaio stated that Board staff has already attended extensive cashiering training and are more than competent to assume the new duties. She further stated that she believes the Board will be much more efficient with cashiering at the Board office and can closely monitor its procedures to ensure compliance with state mandates.

**C. Status of Rulemaking Files-** Ms. Del Mugnaio provided a status update of the following regulation packages:

**1. Elimination of Dual Licensure Proposal (California Code of Regulations 1399.170.20) –**

Ms. Del Mugnaio stated that the package was approved by the Office of Administrative Law on November 16, 2006, and will be effective as of December 16, 2006, with the exception of the disapproved subsection regarding continuance employment of an individual as an SLPA once an independent SLP license has been issued. Ms. Del Mugnaio stated that the plan for resubmitting the disapproved subsection was discussed at the January 26, 2007 Board meeting; however, she discovered that an existing statute, Business and Professions Code Section 2538.7, provides for the same public protection, as the statute deems someone who holds themselves out as a speech-language pathology assistant without the benefit of the appropriate registration status as guilty of unprofessional conduct.

**2. Continuing Professional Development (California Code of Regulations 1399.160.2 – 1399.160.10)**

Ms. Del Mugnaio stated that the new continuing professional development regulations have been approved and will be in effect as of April 23, 2007. She reported that staff has prepared the new Continuing Professional Development Frequently Asked Questions (FAQs) which will be available on the Board's website within the next month and will be mailed to all licensees as soon as funding can be secured.

**3. Speech-Language Pathology Assistants BA Applicants/Work Experience Equivalency (California Code of Regulations 1399.170.11)**

Ms. Del Mugnaio reported that the SLPA BA regulations will, if approved, grant authority for undergraduate/graduate training program directors to verify the clinical hours completed in the undergraduate program for the purposes of qualifying for SLPA registration, and grant authority for the Board to consider BA applicants who have completed nine months of full-time work experience as a substitute for the formal clinical training. She reported that the final rulemaking file for the proposed regulation has been submitted to the Department for final review and should go through the last stage of review with the Office of Administrative Law within the next month.

**D. Dissemination of Speech-Language Pathology Assistant Resource Packet**

Ms. Del Mugnaio reported that Board staff has compiled an SLPA resource packet to be disseminated to all Special Education Local Plan Area (SELPA) Directors in the state. The packet includes a detailed cover letter, the SLPA FAQ pamphlet, the SLPA laws and regulations document, and the SLPA Supervisor Responsibility Statement. The staff is awaiting the mass reproduction of the new SLPA FAQ pamphlet, which should be completed soon, in order to distribute the packet.

**E. Website Changes**

Ms. Del Mugnaio stated that the Legislature and the Governor's Office have directed all state agencies to change the content, format, and design of their respective websites. Specifically, the mandates call for easier navigation to licensing and consumer-related information, including FAQs for application processes and licensing questions; directions on how the public may participate in governmental matters and processes (e.g., board meetings and regulatory action); and public access to on-line complaint filing. Ms. Del Mugnaio reported that she has outlined the necessary changes to the SLPAB website and has forwarded the request for website modification to the Department's Internet Team. She stated that the new website design and content changes should be completed sometime early fall of 2007.

## **F. Miscellaneous**

Ms. Del Mugnaio stated that the Board has started its 2007 Continuing Professional Development Audit process. The audit letters were mailed on March 15, 2007, with responses due back May 15, 2007. She reported that the Board has selected 5% of the total licensing population: SLP, AU and continuing professional development providers.

Ms. Del Mugnaio reported that she and Ms. Grimes attended a meeting at the Office of the President of the University of California (UC) on February 5, 2007, to discuss the status of the AuD joint training program development with several UC academic planning representatives and institution personnel. Several program administrative issues were discussed, including program start-up costs, student recruitment and retention issues, student tuition and professional fee schedules, faculty needs, clinical space issues, accreditation hurdles (not including the recent discovery of the CAA moratorium), clinical observation and supervision standards, and audiology work force demands. Dr. Cathryn Nation indicated that the UC and California State University (CSU) are still in the process of negotiating some of the financial resources necessary to open the new audiology training programs, but have come to agreement on many of the major funding concerns and are committed to working through the remaining hurdles. Dr. Nation also indicated that she would contact the Federal Department of Education about possible grants, either educational grants or Maternal and Child Family Grants.

The Board discussed some of the AuD funding issues and associated student professional fees. Information regarding student tuition and professional fees assessed at AuD training programs in other states was shared.

Ms. Del Mugnaio reported that she and Ms. Pinson attended the California Speech-Language-Hearing Association's (CSHA's) Annual Conference in Long Beach on March 9, 2007, and staffed an information licensing table. She reported that she and Ms. Pinson answered many pertinent licensing questions but did not get an opportunity to interface with many of the conference attendees, as the licensing table was away from the flow of traffic. Ms. Del Mugnaio stated that Chairperson O'Connor suggested that Board representatives request to be speakers during the Legislative exchange (historically called, "What's On Your Mind") at the next scheduled conference. This exchange is an interactive question and answer forum for attendees to learn about national and state legislative actions and changes in governmental policies that affect SLP and AU service delivery. Ms. Del Mugnaio reported that she and Chairperson O'Connor will work with CSHA program representatives to be included as paneled speakers at next year's annual conference.

## **Audiology Practice Committee Report**

Ms. Bingea provided an overview of the matters discussed at the Audiology Practice Committee meeting and outlined the topics discussed.

## **M/S/C: Grimes/Smith**

The Board voted to accept the report and recommendation of the Audiology Practice Committee.

## **VI. Legislation**

### **A. Proposed Legislative and Regulatory Changes Relating to Supervisor Qualifications for Speech-Language Pathology and Audiology Students Completing Clinical Experiences & the Provisional Licensing of the 4<sup>th</sup> Year Audiology Doctoral Students Completing the Post Professional Externship**

Hearing no objections from the public, the Board held agenda item VI. A. over to April 13, 2007.

### **B. SB 963 – SLPAB Sunset Extension**

Ms. Del Mugnaio reported that she spoke with Bill Gage of the Senate Business, Professions, and Economic Development Committee in late March, and that he confirmed that the Board's sunset extension language would be amended into SB 963. Ms. Del Mugnaio stated that she asked Mr. Gage whether the Board would be charged with updating its previously submitted Sunset Review Report, and Mr. Gage had indicated that he was unaware of any such request. He stated that further information should be forthcoming once the Joint Committee on Boards, Commissions, and Consumer Protection is established.

### **C. SB 377 Aanestad – Schools: Certificated Employees**

Ms. Del Mugnaio distributed the amended version of the bill and explained that SB 377 is a measure permitting a school district to contract with or employ a licensed SLP, recognizing the license as equivalent to the rehabilitative services credential as issued by the California Commission on Teacher Credentialing for the purposes of permanent employment status and bargaining unit inclusion. The language of SB 377 excludes the licensed SLP from teaching courses related to core instruction and also requires licensed personnel hired by the schools to complete continuing professional development related to assessing and serving English as a Second Language children with disabilities prior to being considered for permanent employment status.

Mr. Powell indicated that the California Teacher's Association was poised to oppose the bill unless the recent exclusionary amendments were included. He reported that the bill passed out of its policy committee hearing 9-0 and should be placed on the consent calendar. Mr. Powell commented that the provisions of SB 377 would offer schools flexibility in attacking licensed personnel who would receive comparable benefits as credentialed personnel. He further stated that SB 377 is one step in CSHA's long-term efforts to simplify the SLP practice authorization standards in the state.

**M/SC: O'Connor/Hancock**

The Board voted to support SB 377 and delegated to Ms. Del Mugnaio the task of drafting the support letter.

### **D. AB 962 Houston- Speech-language pathology paraprofessionals**

Ms. Del Mugnaio explained that AB 962 mandates the formation of a study group, directed by the Chancellor of the California Community Colleges in coordination with the Superintendent of Public Instruction, to assess the existing shortages in SLP services in both public schools and health care settings, and the need for additional SLPA training programs at the community college level. The study group must be comprised of key stakeholders, including the Board, CSHA, California School Employees Association, and the Association of School Administrators. A findings report must be produced to the Legislature by June 1, 2008.

**M/S/C: Grimes/Murphy**



The Board voted to support AB 962 and delegated to Ms. Del Mugnaio the task of drafting the support letter to include a request that the bill be clarified to reflect SLPA community college training program opportunities and opposed to the current language that states SLP community college training.

**E. AB 359 Karnette – Student Financial Aid: Assumption Program for Education Loans**

Ms. Del Mugnaio stated that AB 359 expands eligibility for the Assumption Program of Loans for Education (APLE) to include persons pursuing service credentials and serving in specialist capacities in the K-12 system, and adds priority consideration in the selection process for special education teachers and specialists. Ms. Del Mugnaio read excerpts from the bill analysis: *The author asserts a critical shortage of speech-language pathologists. The California Advisory Commission on Special Education (ACSE) states that the dramatic increase in the number of children with autism is but one example of the increasing demand for special education specialists, including speech-language pathologists. School districts across California now report that speech-language specialists shortages have reached a crisis stage. According to the California Department of Education, in 2004-05, there was one speech/language/hearing specialist for each 1,432 pupils, an improvement from 15 years ago when the ratio was 1:3,646.* Ms. Del Mugnaio reported that AB 359 passed its first policy hearing 7-0 on March 28, 2007.

Mr. Powell stated that the bill will likely be amended to refer specifically to forgiveness loans for speech-language pathologists in order to avoid major funding concerns raised by the Department of Finance.

**M/S/C: Smith/Grimes**

The Board voted to support AB 359 and delegated to Ms. Del Mugnaio the task of drafting the support letter.

**F. Administrative Legislative Proposals (AB 721, AB 865, AB 1135, SB 618, AB 1393, and AB 1025)**

Ms. Del Mugnaio stated that the remainder of the legislation of interest pertained to administrative mandates affecting state agencies and would, if passed, impact the Board's internal operations. She provided a general overview of the bills as follows:

**AB 721 – Maze - Public Records: Requests by the Legislature**

This bill would require a state agency to provide a response to a Legislative request for public records within three days of receiving the request, notifying the Legislature whether the documents are public records and, thereby, must be disclosed under the Public Records Act. This bill would shorten the agency's mandatory response timeframe from 10 days to three days.

**AB 1393 – Leno/Maze – Public Records**

This bill would, as of January 1, 2009, require any state agency that publishes an Internet Web site to include on the homepage of that site specified information that is not exempt from disclosure under the Act, regarding how to contact the agency, how to request records under the Act, and to provide a form for submitting online requests for available public records. It would authorize any person to bring an action to enforce the duty of a state agency to post this information and would provide for penalties, including monetary awards to be paid by the agency for failure to provide online assistance, with specified provisions to become operative on January 1, 2009. The bill would also authorize a

person to request the Attorney General to review a state or local agency's denial of a written request to inspect or receive a copy of a public record and would require the Attorney General to issue a written decision within 20 working days of the date of the written request. The bill would require the Attorney General to maintain copies of the opinions issued pursuant to these provisions, to publish the opinions annually in a special volume, and to make them available on the Internet. This bill would require the Department of Justice to convene an advisory task force, with a specified membership, to consider specified issues with respect to a statutory standard governing the posting of certain activities under the Act, and to report its findings and recommendations to the Governor and the Legislature by no later than September 30, 2008.

Mr. Ritter commented that there are some legal concerns surrounding the involvement of the Attorney General's Office in issuing opinions on individual public records requests, since the Attorney General's role should be that of representing the state agency in such legal matters and not issuing opinions on behalf of individuals requesting records of the state. Should a state agency be ultimately sued for refusing to release a record in its possession for specified exemption purposes, and the Attorney General's Office had issued a determination in favor of the requestor prior to the civil filing, the Attorney General's Office would no longer be in a position to represent the state agency. This creates an obvious conflict. Mr. Ritter stated that he planned to discuss the merits of the legal concerns with the Department's Legal Services Division to determine whether a Departmental communication to the author's office was in order.

#### **AB 865 – Davis – Live Consumer Service Agents**

Existing law requires each state agency to establish a procedure whereby incoming telephone calls on any public line shall be answered within 10 rings during regular business hours, subject to certain exceptions. This bill would require each state agency to answer an incoming call with a live customer service agent, subject to certain exceptions, such as when normal staffing levels are disrupted for illness.

#### **AB 1135 – Strickland - State government: reports: declarations**

Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities. This bill would require any of these written reports required to be submitted by any state agency, to include a signed statement by the head of the agency, the chair of the board or commission, or the officer of the local agency, except as specified, declaring that the contents of the report are true, accurate, and complete to the best of his or her knowledge. This bill would also make any person who declares as true any material matter pursuant to these provisions that he or she knows to be false, liable for a civil penalty not to exceed \$20,000. By imposing new duties on local officials, this bill would impose a state-mandated local program.

#### **SB 618 – Alquist - Electronic Records**

Existing law, the Administrative Procedure Act, authorizes state agencies to publish, distribute, or deliver various notices and documents required by the act pursuant to electronic mail or other electronic communication. This bill would require each state agency, no later than January 1, 2010, to maintain all of its records in an electronic format. It would apply this requirement to any document or writing containing information relating to the conduct of the people's business that is prepared, owned, used, or retained by any state agency that is not already in an electronic format.

**AB 1025 – Bass – Professions and vocations: denial of licensure upon conviction of a crime**

This bill would provide that a person may not be denied licensure or have his or her license suspended or revoked based on a criminal conviction that has been dismissed on specified grounds. The bill would also provide that an arrest more than one year old does not constitute grounds for denial of a license pursuant to the above provisions if no disposition is reported. This bill would require the board to provide an applicant or ex-licensee, whose application has been denied or whose license has been suspended or revoked based upon a crime, with a copy of the criminal history record information relied upon in making the determination.

Ms. Del Mugnaio stated that she and Mr. Ritter had previously discussed the bill and had concerns regarding the language in the bill that would remove the Board's authority to consider criminal convictions that have been expunged in issuing a decision as to whether to grant an individual a license and/or take appropriate disciplinary action against an already licensed practitioner.

Mr. Ritter stated that he agreed that the language was concerning, as it limits the Board's discretion in determining whether an applicant or licensees should receive the benefit of state licensure based on his or her previous criminal history, and, therefore, limits the Board consumer protection powers.

M/S/C: Grimes/Bingea

The Board voted to oppose AB 1025 and delegated to Ms. Del Mugnaio the task of drafting the opposition letter to be sent to Assembly Member Bass's Office and the Department.

**G. Other Legislation of Interest to the Board**

Ms. Jody Winzelberg addressed the Board and reported that the California Academy of Audiology (CAA) has sponsored SB 557, authored by Senator Wiggins, to add audiologists who hold the doctorate of audiology degree as Qualified Medical Examiners for the purposes of determining hearing loss in worker's compensation claims. She reported that the bill was recently amended on April 9, 2007, and that CAA has been in contact with the California Medical Association (CMA) to address any concerns that CMA may have regarding a perceived expansion of scope of practice.

Ms. Del Mugnaio stated that, since the bill was included on the agenda, the Board cannot vote on the bill, but will consider SB 557 at its next scheduled meeting. Ms. Del Mugnaio also pointed out some technical inaccuracies in the language and stated that she would contact Senator Wiggins Office to notify the author's staff of the errors.

Chairperson O'Connor adjourned the meeting at 6:32 p.m.

## **Continuation of Speech-Language Pathology & Audiology Full Board Meeting**

Chairperson O'Connor reconvened the full Board meeting at 9:09 a.m. on April 13, 2007.

### **VI.A. Proposed Legislative and Regulatory Changes Relating to Supervisor Qualifications for Speech-Language Pathology and Audiology Students Completing Clinical Experiences & the Provisional Licensing of the 4<sup>th</sup> Year Audiology Doctoral Students Completing the Post Professional Externship**

Ms. Del Mugnaio referenced the laws and regulations analysis document included in the meeting packets that identified both statutory and regulatory changes to existing licensing standards, and referenced the following: proposed entry-level requirements for audiologists as doctoral training; amendments to existing standards regarding the Required Professional Experience (RPE) and the current standard for issuing the temporary license; and changes to the supervisor qualification standards for individuals who oversee the clinical experience of students and of individuals completing an externship and/or the RPE.

Ms. Del Mugnaio reviewed the document with the Board and suggested that the Board focus on the regulatory amendments first, as the statutory changes would require legislative action and the Board had not secured a legislative vehicle to carry proposed changes to the statute. She explained that, if the Board were subject to sunset review in 2007, the Board would have an opportunity to work with legislative committee staff on proposing changes to entry-level licensing standards to reflect the requirement for doctoral training for audiologists; however, it is uncertain if a legislative review of the Board will occur this year. Ms. Del Mugnaio suggested that the Board may wish to work with the state professional associations to introduce such changes.

Ms. Grimes commented on the proposed legislative changes for audiology doctoral training specific to the required clinical rotation hours of 500 to be completed prior to the final 4<sup>th</sup> year externship, and stated she was uncertain whether this standard is reflective of current doctoral training program standards.

Ms. Del Mugnaio explained the decision to propose the clinical rotation or “practicum” hours at 500 hours was based on previous data the Board collected from Doctor of Audiology (AuD) training programs across the country. She stated that the 500 hours appeared to be the median standard.

Ms. Grimes stated that she will check with her colleagues to determine whether the proposed standard is, in fact, reflective of the existing AuD training program requirements.

Ms. Del Mugnaio requested that the Board review the proposed regulation amendments regarding the minimum qualifications for supervisors of students completing their clinical hours within the training programs and the qualifications for supervisors of RPEs or those completing the AuD 4<sup>th</sup>-year externship, which currently must be completed under the RPE temporary license. She stated that at the January 26, 2007 Board meeting, the Board discussed changing the existing supervisor qualification standards to remove all references to the ASHA Certificate of Clinical Competence (CCC) and, instead, replace such references with the requirement for holding state licensure and, in addition, a prescribed number of years of professional experience. Ms. Del Mugnaio stated that the Board had suggested requiring five (5) years of full-time professional experience as the supervisor criterion. She noted that in addition to the 5 years of professional experience, as proposed at the

January 26, 2007 meeting, Chairperson O'Connor had suggested that the clinical supervisors should also be subject to completing a specific amount of continuing professional development in supervision training, similar to the requirements for supervisors of speech-language pathology assistants. Ms. Del Mugnaio referenced the proposed regulatory changes reflecting the Board's suggested changes regarding the supervisor qualification standards.

Ms. Raggio commented that supervisor qualification standards for clinical rotations within the university training program are covered in the training program accreditation standards and that it may be difficult for the Board to propose a distinct set of supervisor qualification standards that exceed what exists in program accreditation criteria.

The Board agreed that the supervisor qualification standards for the clinical rotation or practicum should reflect the requirement of state licensure or the legal authorization to practice in the state of origin and should not include additional supervisor standards. It was determined that such supervision quality standards should be governed by the university training programs and associated program accreditation standards.

A lengthy discussion ensued regarding the RPE supervisor qualifications and the proposed requirement for the supervisor to possess five (5) years of full-time professional experience and complete a minimum of six (6) hours of continuing professional experience in supervision training prior to serving in a supervisory capacity, and then three years of supervision training every two (2) years thereafter for as long as the individual acts in the supervisory capacity.

Ms. Grimes inquired about whether there are enough supervision courses available to impose such requirements and whether the courses should be practice specific or whether more general supervision courses would be acceptable.

Ms. Winzelberg commented that her facility offers supervision courses that pertain to human resource provisions and general management of employees and inquired whether that type of training would be applicable.

Ms. Del Mugnaio stated that the continuing professional development regulations have always included supervision training as an applicable indirect client care course that can cover legal requirements, facility protocols, clinical standards, and a variety of administrative activities related to supervision. She stated that the course content Ms. Winzelberg describes would be an acceptable supervision course.

Mr. Donald inquired about the rigor of the supervision oversight of the RPE temporary license holder and whether multiple supervisors can be responsible for one RPE. He stated that he was concerned that not all acting supervisors may meet the Board's proposed supervisor qualification standards and, as such, he believed the Board should enact language that would ensure that each and every supervisor, including supervisors recorded as secondary supervisors, meet the prescribed supervisor qualification standards.

Ms. Del Mugnaio explained that the proposed requirements would be adding a layer of quality control to the supervision of the RPE and would be enforced for all supervisors who are registered with the Board as overseeing the clinical activities of the RPE. She explained that the existing requirements, which have been in effect for several years, only require eight hours a month of direct supervision for a full-time RPE and four hours for a part-time RPE. Ms. Del Mugnaio stated that supervision or

mentoring beyond the required eight or four hours should occur and may be by other licensed personnel who assist with mentoring the RPE.

Ms. Bingea commented that at her facility, RPEs are provided much more supervision than what is required by regulation as the facility is liable for the services of the RPE and, thus, close monitoring and oversight is enforced.

Ms. Grimes stated that since AuD externs are students under the auspices of the university training program, they must be directly supervised at all times.

The Board discussed at length the supervision standards for the RPE and determined that proposed language should be adopted to increase the supervisor qualifications to require that supervisors hold the state license or the proper legal authorization to practice in the state, possess a minimum of five (5) years of full-time professional experience, and complete at least six (6) hours of supervision training prior to assuming the supervisory role, and complete three (3) years of supervision training every two-years thereafter.

**M/S/C: Grimes/Smith**

The Board voted to adopt the proposed regulatory changes to California Code of Regulations 1399.152.2, 1399.153, and 1399.153.3 regarding the qualifications of a supervisor who oversees the clinical activities of a student within a university training program and an individual completing the required professional experience. The Board directed Ms. Del Mugnaio to notice the regulatory amendments to the public.

Chairperson O'Connor requested that the Board review the proposed statutory changes relating to whether a 4<sup>th</sup> year AuD student completing the clinical externship should be required to obtain the RPE temporary license in order to qualify for California licensure.

Ms. Grimes stated that very few states require the 4<sup>th</sup> year student to be provisionally licensed, as they are still students under the auspices and control of the university.

The Board discussed the benefits of retaining the requirement an RPE license for the 4<sup>th</sup> year AuD student and cited the following: issuance of the RPE temporary license is a tracking mechanism for the Board; the RPE temporary license can be removed or disciplined if the individual is not operating in accordance with the law; employers may use the RPE temporary license for the purposes of billing documentation, liability insurance purposes, and employment verification; and individuals may be more portable in terms of moving to other states if they obtained such experience under a provisional RPE temporary license.

Ms. Grimes pointed out that the negative impact of issuing an RPE temporary license to a 4<sup>th</sup> year AuD student is that the Board would be granting a provisional license to an individual who has not earned a degree, and it creates a situation where students are viewed as licensed personnel and not students.

Ms. Bingea stated that the 4<sup>th</sup> year AuD student should be identified as a student on their name-badge and on all documentation regardless of whether they have been issued an RPE temporary license, as this is a requirement of the university training program for externship placements.

Ms. Del Mugnaio stated that, if the Board were to remove the requirement for the 4<sup>th</sup> year AuD student to be issued an RPE temporary license, then the Board would create a disparate situation where Master's degree students would be afforded a provisional license and the 4<sup>th</sup> year AuD student would not be recognized as provisionally licensed personnel, which may send a message to the public that the 4<sup>th</sup> year AuD student is not as clinically competent as the lesser trained Master's practitioner.

Ms. Grimes stated that she would like the Board to review the task force report issued by the American Academy of Audiology on the provisional licensure of the 4<sup>th</sup> year AuD student to gain a better understanding of the profession's position regarding a student holding a provisional license. She stated that she would also like to research the clinical rotation requirements to determine whether the 500 hours noted in the proposed statutory change is an accurate representation of existing AuD program criteria.

Ms. Del Mugnaio stated that proposed statutory changes will be included as a discussion item at the next Board meeting once more information has been obtained regarding the AuD program criteria for clinical rotations and externships. She indicated that she will update the Board's research table documenting existing AuD training program criteria, and will distribute the updated research at the next Board meeting.

## **VII. Speech-Language Pathologists and Audiologists Roles in Diagnosing Auditory Processing Disorders- Guidelines Prepared by California Speech-Language-Hearing Association- Review of Board Comments & Proposed Board Action**

Chairperson O'Connor referenced the compiled Board comments to the California Speech-Language-Hearing Association's (CSHA) task force document on Auditory Processing Disorders (APD) 2nd Edition, 2007. She requested each member to review their particular comments as summarized in the document to determine whether corrections should be made prior to forwarding the Board's comments to CSHA for consideration. Chairperson O'Connor explained that the CSHA APD document was approved and sanctioned by the CSHA Board in December, 2006 and, therefore, the Board's suggestions would not likely be incorporated into the existing position paper but, instead, could be considered for future amendments.

The Board discussed minor changes to the compiled comments document.

Ms. Del Mugnaio inquired whether the Board would endorse the CSHA position paper, along with other national professional documents such as the American Speech-Language-Hearing Association's APD documents and the related documents published by the American Academy of Audiology, as sound state professional position documents that may be relied upon to uphold a standard of care for the diagnosis and treatment of APD. She stated that these documents could serve as critical support in enforcement matters surrounding APD issues.

The Board discussed the probability of legal challenges with enforcing the guidelines proposed in the professional position statements, as much of the information is relatively new and considered more of an evolving practice pattern.

Ms. Del Mugnaio explained that the position documents will help support the Board's enforcement efforts in that the information can be used in more of an educational capacity for initial complaints, with any subsequent occurrences warranting more serious ramifications. She further stated that the professional community now has accessible information regarding APD that should be referenced and

incorporated into their professional practice. Failure to consider the guidelines provided in professional literature or to continue providing therapies that have been documented as “disproved” or invalid can be deemed unprofessional conduct or substandard care.

**M/S/C: Grimes/Bingea**

The Board voted to approve the compiled Board comments regarding the 2nd Edition 2007 CSHA guidelines on APD and, further, authorized Chairperson O'Connor to prepare a cover letter on behalf of the Board to send with the comments to the President of CSHA and to Patti Hamagucchi, who chaired the CSHA APD Task Force.

#### **VIII. Discuss Licensing Issues Related to Equivalency Provisions Business and Professions Code Section 2532.8 – Examination Criteria for the Certificate of Clinical Competence as Issued by the American Speech-Language-Hearing Association**

Ms. Del Mugnaio reported that staff has become aware of cases wherein applicants have applied for state licensure based on the equivalency provisions of ASHA's Certificate of Clinical Competence (CCC), yet the applicant's Praxis examination scores were more than five (5) years old. She explained that there have been at least a half-dozen applicant cases wherein ASHA has issued new certifications or re-certifications based on dated professional examination scores. Ms. Del Mugnaio explained that this creates a problem with issuing a license to an applicant based on the licensing equivalency provisions that deem the CCC as equivalent to licensure. She stated that if ASHA is not upholding its certification standards, which requires a passing score on the national professional examination within the past 5 years, then the Board should not recognize the CCC as an equivalent professional standard. Ms. Del Mugnaio reported that the Board encountered this same issue in July of 2004, and forwarded a letter of concern to the then Chair of the Council for Clinical Certification of ASHA on August 18, 2004 (letter included in meeting packets). She explained that ASHA responded on October 5, 2004 (letter included in meeting packets), stating that the Council would vigilantly enforce the examination requirement that the examination passing score must not be more than five years old, for any individuals who apply for ASHA certification as of January 1, 2005. The ASHA letter further addresses the re-certification process and notes that if an individual's ASHA certification has lapsed for more than five years, ASHA would require the individual to re-take the national examination. However, if the lapse in certification is less than five years prior to applying for re-certification, then ASHA allows the individual to re-certify with the payment of fees and verification of the required continuing education units.

Chairperson O'Connor suggested that a new letter of concern or a formal complaint be sent to ASHA regarding the recent discoveries.

Ms. Grimes stated that situations like this raise the question as to whether the Board should develop its own licensing examination and discontinue supporting equivalency provisions that acknowledge the merits of a professional certification.

Ms. Del Mugnaio stated that the Board will have an opportunity to evaluate the current licensing examination requirements when it conducts the examination validation studies of both the speech-language pathology and audiology national examinations early 2008. She reported that information regarding the Board examination requirements and validation plans are included in the Board's Sunset Review Report.



Chairperson O'Connor stated that, under the 1992 CCC standards, individuals could be re-certified with examination passing scores that were older than the prescribed five years; however, she stated that in the past ten years or more, the standards have been updated to reflect the requirement that the national examination must have been taken and passed within the past five years.

Mr. Donald inquired about the examination requirements and which organization is responsible for developing and updating the examination required for state licensure.

Ms. Del Mugnaio reported that the national examination is owned and administered by the Educational Testing Service (ETS), and ASHA contracts with ETS to administer the examination. She further stated that ASHA supplies ETS with subject matter experts who assist with examination development and analysis.

Mr. Van Vliet inquired whether the Board could acknowledge other professional examinations as a standard for licensure and whether the change would require a statutory amendment or a Board-initiated regulatory amendment.

Ms. Del Mugnaio responded and stated that the Board could effect such a change through its regulatory authority at such time that a new professional examination was developed and evaluated by the Board.

**M/S/C: Donald/Smith**

The Board voted to delegate to Ms. Del Mugnaio the task of drafting a letter of concern to ASHA regarding its examination policies for issuing and re-certifying individuals applying for the Certificate of Clinical Competence (CCC).

**IX. Licensing/Enforcement Statistical Data**

The Board reviewed the quarterly licensing and enforcement statistical data as prepared by the Board staff.

Ms. Del Mugnaio reported that there are nine (9) administrative disciplinary cases currently pending with the Office of Administrative Law.

**X. Public Comment on Items Not on the Agenda**

No further public comments were made at this time.

**XI. Announcements**

**Next Board Meeting is scheduled for July 18, 2007 to be held in Los Angeles.**

Chairperson O'Connor announced that the Board will hold the Audiology Support Personnel Task Force meeting on July 17, 2007 from 6:00 p.m.- 8:00 p.m. at the same location of the July 18, 2007 Board meeting.

## **XII. Future Meeting Dates-October 25-26, 2007 Sacramento**

The Board discussed the future meeting calendar and reiterated that the fall meeting is scheduled for October 25-26, 2007, to be held in Sacramento.

## **XIII. Adjournment**

Chairperson O'Connor adjourned the meeting at 1:00 p.m.

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Annemarie Del Mugnaio, Executive Officer